

MEMORANDUM

January 18, 2005

TO: THE LOS ANGELES COUNTY CLAIMS BOARD

FROM: MARC J. WODIN
Law Offices of Marc J. Wodin

ROGER H. GRANBO
Principal Deputy County Counsel
General Litigation Division

RE: Alicia and Tito Ortega v. County of Los Angeles
Los Angeles Superior Court Case No. KC 040304

DATE OF
INCIDENT: March 3, 2002

AUTHORITY
REQUESTED: \$600,000

COUNTY
DEPARTMENT: Sheriff's Department

CLAIMS BOARD ACTION:

☐

Approve

☐


Disapprove

☒

Recommend to Board of
Supervisors for Approval


_____, Chief Administrative Office
ROCKY A. ARMFIELD


_____, County Counsel
JOHN F. KRATTLI


_____, Auditor-Controller
MARIA M. OMS

on March 7, 2005

SUMMARY

This is a recommendation to settle for \$600,000, a lawsuit filed by Alicia and Tito Ortega for injuries they sustained in an automobile accident with a Sheriff's Deputy.

LEGAL PRINCIPLES

The County is responsible for the negligent and intentional acts of its employees when the acts are done in the course and scope of employment.

SUMMARY OF FACTS

On March 3, 2002, Alicia Ortega was stopped at a red light in the left hand turn lane north on Valinda Avenue at the intersection with Amar Road. A Sheriff's Deputy responding to an emergency was traveling east on Amar Road and attempting to turn right on Valinda when his patrol car went out of control, and his car struck the driver's side of Alicia Ortega's car. Tito Ortega was a passenger in the car.

Mrs. Ortega sustained injuries to her head, neck, back, left shoulder, and left leg. She underwent physical therapy for her injuries, and subsequently underwent a cervical discectomy and fusion.

Mr. Ortega suffered injuries to his left shoulder, neck, and back. Mr. Ortega claims that he will require two surgeries to his back. Our medical experts found that he suffered from neck and back strain, and that surgery is not required.

DAMAGES

Should this matter proceed to trial, we estimate the potential damages could be as follows:

Alicia Ortega's medical expenses	\$ 190,000
Alicia Ortega's loss of earnings	\$ 180,000
Alicia Ortega's pain and suffering	\$ 500,000
Tito Ortega's medical expenses	\$ 13,300
Tito Ortega's future medical expenses	\$ 65,000
Tito Ortega's pain and suffering	<u>\$ 250,000</u>
Total	<u>\$ 1,198,300</u>

The proposed settlement calls for the County to pay Alicia and Tito Ortega \$600,000 for all of their damages, costs, and attorney fees. The property damage claim for the damage to Alicia Ortega's car was previously settled for \$5,894.

STATUS OF CASE

The trial court proceeding has been suspended pending consideration of the proposed settlement.

Expenses incurred by the County in defense of this action are attorney fees of \$39,385 and \$67,451 in costs. The costs in this matter are relatively high due to the medical experts our attorneys were required to hire to evaluate the nature and extent of the injuries claimed by Mr. and Mrs. Ortega.

EVALUATION

This is a case of probable liability. The traffic investigation found that the Sheriff's Deputy caused the collision. A reasonable settlement at this time will avoid further litigation costs and a potential jury verdict that could exceed the proposed settlement.

We join with our private counsel, Marc J. Wodin, and our third party administrator, Carl Warren and Company, in recommending a settlement in the total amount of \$600,000. The Sheriff's Department concurs in this recommendation.

APPROVED:



GARY N. MILLER
Assistant County Counsel
General Litigation Division

RHG:scr